

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM P. JACKSON,)	CIVIL ACTION NO. 2:21-cv-399
)	
Plaintiff,)	JUDGE KIM R. GIBSON
)	
vs.)	
)	
WARDEN ORLANDO HARPER, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Federal Magistrates Act, 28 U.S. C. § 636, and Local Civil Rule 72.D.

Plaintiff William P. Jackson ("Jackson") commenced this *pro se* civil rights action on March 25, 2021, by filing a motion for leave to proceed in forma pauperis (ECF No. 1). That motion was granted (ECF No. 4) and Jackson's complaint was filed on April 20, 2021. (ECF No. 5). On May 12, 2021, Jackson filed a Motion to Amend his Complaint (ECF No. 7) and a Motion to Appoint Counsel (ECF No. 8). On September 13, 2021, the Magistrate Judge granted Jackson's Motion to Amend his Complaint and denied Jackson's Motion for Appointment of Counsel. (ECF No. 11). Jackson subsequently filed an Amended Complaint on December 29, 2021. (ECF No. 15).

Jackson alleges that he has been a pretrial detainee at the Allegheny County Jail ("ACJ"). Jackson contends that while incarcerated at ACJ he has experienced unlawful and unconstitutional treatment. Specifically, Jackson alleges that he was initially placed into "protective custody" in the ACJ's restrictive housing unit ("RHU"), but his status was then changed to "administrative custody." Jackson alleges that his prolonged stay in administrative

custody has been done in retaliation against him because of his prior complaints against Deputy Laura Williams, medical director, regarding the inadequate medical care Jackson claims to have received. Jackson further alleges that he has received dental care that is so deficient that it amounts to a violation of the Eighth Amendment. Jackson has also alleged repeated and significant delays in dental treatment that have left him in agonizing pain and unable to eat at times. Lastly, Jackson alleges violations of his First Amendment rights because his placement in the RHU deprives him of his right to practice his religion because religious services are not televised in the RHU. (ECF No. 15).

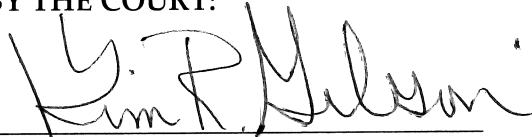
Jackson named seven defendants in his initial complaint: Warden Orlando Harper, Chief Deputy David Zetwo, Deputy Laura Williams, Major Adam Smith, Dental Mr. Wilson, Sergeant Gerber and Captain Frank (ECF No. 5). On February 3, 2022, Magistrate Judge Pesto issued a Report and Recommendation recommending that the amended complaint be served in part and dismissed in part without leave to amend. (ECF No. 16). Jackson was advised that he had fourteen days to file objections to the Report and Recommendation. To date, no objections have been filed and the time to do so has passed.

After review of the Report and Recommendation (ECF No. 16) and the other documents filed in this case under the applicable “reasoned consideration” standard, *see EEOC V. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (standard of review when no timely and specific objections are filed), and pursuant to Local Civil Rule 72.D.2, the Court will accept in whole the findings and recommendations of the Magistrate Judge in this matter. Magistrate Judge Pesto correctly determined that Jackson’s Amended Complaint plausibly supports a claim against Wilson and Williams that their alleged prolonged failure to provide attention to Jackson’s serious medical

condition was in violation of the Eighth Amendment. Further, Magistrate Judge Pesto correctly determined that the remainder of Jackson's Amended Complaint against the other named parties should be dismissed without leave to amend. Accordingly, the following order is entered:

AND NOW, this 26 day of April, 2022, **IT IS HEREBY ORDERED** that Jackson's Amended Complaint with respect to his Eighth Amendment claims against Dental Mr. Wilson and Deputy Laura Williams shall be served on Dental Mr. Wilson and Deputy Laura Williams. **IT IS FURTHER ORDERED** that Jackson's Amended Complaint with respect to his remaining claims against Defendants Warden Orlando Harper, Chief Deputy David Zetwo, Major Adam Smith, Sergeant Gerber, and Captain Frank shall be dismissed without leave to amend. **IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 16) is **ADOPTED** as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", is written over a horizontal line.

**THE HONORABLE KIM R. GIBSON
UNITED STATES DISTRICT JUDGE**

Notice to by U.S. Mail to:

William P. Jackson
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950 Second Avenue
Pittsburgh, PA 15219